IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

RPFC.No. 103 of 2003()

AGAINST THE ORDER DATED 10/04/2003 IN CMP.966/2002
IN M.C.NO.545/1995

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REVISION PETITIONER/RESPONDENT:

KURIYEDATH KRISHNAN,
S/O. VELAYUDHAN, 'YADHUKULAM'
NAMBEESANPADI, MANNUR RAIL ROAD.

BY ADV. SRI.S.NIRMAL

RESPONDENT:PETITIONER

LAKSHMI ALIAS KARTHIYAYANI,
PADANNAPURATH HOUSE, FEROKE CHUNKAM,
FEROKE AMSSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.K.A.SALIL NARAYANAN

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(FC) No.103 of 2003

Dated this the 7th day of November, 2007

O R D E R

The revision petitioner is the respondent/husband in C.M.P.No.966/02 in M.C.No.545/95 of Family Court, Kozhikode. This is with respect to an application filed under Section 127 Crl.P.C. for enhancement of the maintenance ordered at the rate of Rs.2,000/- per month.

2. It is the case of the petitioner/wife that as per the order in M.C.No.545/95 the respondent was ordered to pay Rs.500/- per month. According to her, the same is hardly sufficient to meet her expenses. It is alleged that the respondent has obtained promotion in his job and is getting Rs.50,000/- per month from his employment in the Middle East. She has claimed maintenance at the rate of Rs.3,000/- per month. On the other hand, the respondent had filed a counter disputing the allegations. According to him, she has got a saw mill and she has rented out it and she is getting good income from the above and that she has got 11½ cents of land. According to him, he is

getting only a meagre income and he has to look after his aged mother and two sisters and their children and also the family of his brother who is only a coolie worker. According to him the salary was reduced after Kuwait war.

3. The evidence adduced in the matter consisted of the testimony of PW1 and RW1, the power of attorney holder of the respondent/ revision petitioner.

4. PW1 has testified as to the income of the respondent. It is not disputed that he is an employee at Kuwait. According to her he is getting more than Rs.50,000/- per month as salary. It is pointed out by the court below that PW1 was not cross examined on the above aspect nor was any objective evidence produced as to the income of the respondent. The burden in this is on the respondent vide Section 106 of the Evidence Act. In the circumstances, I find no reason to interfere in the findings of the court below.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl